



State Administration Council

**Tuesday, April 11, 2006
1:00 PM – 3:00 PM
Morris Hall (17 HOB)**

COUNCIL ACTION

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Donald Brown (Chair)	X		
Sandra Adams	X		
Ellyn Setnor Bogdanoff	X		
Mary Brandenburg	X		
Audrey Gibson	X		
Wilbert Holloway	X		
Stan Jordan	X		
Ron Reagan	X		
David Rivera	X		
Totals:	9	0	0

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 453 : Designation of an Official State Pie of the State of Florida

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 581 : Public Benefits

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg		X			
Audrey Gibson		X			
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan			X		
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 5		Total Nays: 2			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 605 CS : Public Records

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan			X		
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Public Records

Curt Kiser (Lobbyist) - Opponent

Fla. Society of Newspaper Editors

5385 WPA Rd.

Lamont FL 32336

Phone: 850-342-1098

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 639 : Building Designations

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan				X	
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 6		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 737 CS : Tax Benefits Related to Catastrophic Emergencies

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 773 CS : Initiative Procedures and Standards

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Petition Process

Jeanne Zokouitch (Lobbyist) - Opponent

League of Women Voters of Florida

1415 Devils Dip

Tallahassee FL 32308

Phone: 850-878-6895

Petition Process

David Daniel (Lobbyist) - Proponent

Florida Chamber of Commerce

136 South Bronough Street

Tallahassee FL 32301

Phone: 850-521-1250

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1007 CS : State Parks

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HC B 6001 CS : Per Diem and Travel Expenses

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7145 CS : Seaport Security

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan			X		
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7145**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative(s) Adams offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 311.111, Florida Statutes is created to
read:

311.111 Security area designations; access requirements;
authority.--Each seaport authority or governing board of a
seaport identified in s. 311.09 that is subject to the statewide
minimum seaport security standards in s. 311.12 shall clearly
designate in seaport security plans and clearly identify with
appropriate signs and markers on the premises of a seaport the
following security area designations, access requirements, and
corresponding security enforcement authorizations, which may
include, but not be limited to, clear notice of the prohibition
on possession of concealed weapons and other contraband material
on the premises of the seaport:

(1) UNRESTRICTED PUBLIC ACCESS AREA.--An unrestricted
public access area of a seaport is open to the general public
without a seaport identification card other than that required
as a condition of employment by a seaport director.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 (2) RESTRICTED PUBLIC ACCESS AREA.--A restricted public
24 access area of a seaport is open to the public for a specific
25 purpose via restricted access and open to individuals working on
26 the seaport, seaport employees, or guests who have business with
27 the seaport. Any person found in these areas without the proper
28 level of identification card is subject to the trespass
29 provisions of ss. 810.08 and 810.09 and this chapter. All
30 persons and objects in these areas are subject to search by a
31 sworn state-certified law enforcement officer, a Class D seaport
32 security officer certified under Maritime Transportation
33 Security Act guidelines and s. 311.121, or an employee of the
34 seaport security force certified under the Maritime
35 Transportation Security Act guidelines and s. 311.121.

36 (3) RESTRICTED ACCESS AREA.--A restricted access area of a
37 seaport is open only to individuals working on the seaport,
38 seaport employees, or guests who have business with the seaport.
39 Any person found in these areas without the proper level of
40 identification card is subject to the trespass provisions of ss.
41 810.08 and 810.09 and this chapter. All persons and objects in
42 these areas are subject to search by a sworn state-certified law
43 enforcement officer, a Class D seaport security officer
44 certified under Maritime Transportation Security Act guidelines
45 and s. 311.121, or an employee of the seaport security force
46 certified under the Maritime Transportation Security Act
47 guidelines and s. 311.121.

48 (4) SECURED RESTRICTED ACCESS AREA.--A secured restricted
49 access area of a seaport is open only to individuals working on
50 the seaport, seaport employees, or guests who have business with
51 the seaport and is secured at each point of access at all times
52 by a Class D seaport security officer certified under the
53 Maritime Transportation Security Act, a sworn state-certified

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 law enforcement officer, or an employee of the port's security
55 force certified under the Maritime Transportation Security Act.
56 Any person found in these areas without the proper level of
57 identification card is subject to the trespass provisions of ss.
58 810.08 and 810.09 and this chapter. All persons and objects in
59 these areas are subject to search by a Class D seaport security
60 officer certified under Maritime Transportation Security Act
61 guidelines and s. 311.121, a sworn state-certified law
62 enforcement officer, or an employee of the seaport security
63 force certified under the Maritime Transportation Security Act
64 guidelines and s. 311.121.

65 (5) TEMPORARY DESIGNATION.--During a period of high
66 terrorist threat level designated by the United States
67 Department of Homeland Security or the Florida Department of Law
68 Enforcement or during an emergency declared at a port by the
69 seaport security director due to events applicable to that
70 particular port, the management or controlling authority of the
71 port may temporarily designate any part of the port property as
72 a restricted access area or a secured restricted access area.
73 The duration of such designation is limited to the period in
74 which the high terrorist threat level is in effect or a port
75 emergency exists. Subsections (3) and (4) do not limit the power
76 of the managing or controlling authority of a seaport to
77 designate any port property as a restricted access area or a
78 secured restricted access area as otherwise provided by law.

79 Section 2. Subsection (2), and paragraph (b) of subsection
80 (4) of section 311.12, Florida Statutes, are amended, paragraph
81 (e) is added to subsection (3) of that section, and subsections
82 (7) and (8) are added to that section, to read:

83 311.12 Seaport security standards; inspections;
84 compliance; appeals.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 (2)(a) Each seaport identified in s. 311.09 shall maintain
86 a security plan to provide for a secure seaport infrastructure
87 specific to that seaport that shall promote the safety and
88 security of the residents and visitors of the state and promote
89 the flow of legitimate trade and travel. Commencing January 1,
90 2007, and every 5 years thereafter, the seaport director of each
91 seaport, with the assistance of the Regional Domestic Security
92 Task Force and in conjunction with the United States Coast
93 Guard, shall revise the seaport security plan based on the
94 results of continual, quarterly assessments by the seaport
95 director of security risks and possible risks related to
96 terrorist activities and relating to the specific and
97 identifiable needs of the seaport which assures that the seaport
98 is in substantial compliance with the statewide minimum
99 standards established pursuant to subsection (1).

100 (b) Each plan adopted or revised pursuant to this
101 subsection shall be inspected for compliance and must be
102 reviewed and approved by the Office of Drug Control and the
103 Department of Law Enforcement based solely upon the standards as
104 set forth under the most current Maritime Transportation
105 Security Act, 33 C.F.R. s. 105.305, and the statewide minimum
106 standards established pursuant to subsection (1). All such
107 seaports shall allow unimpeded access by the Department of Law
108 Enforcement to the affected facilities for purposes of plan or
109 compliance inspections or other operations authorized by this
110 section.

111 (c) Each seaport security plan shall ~~may~~ establish
112 unrestricted and restricted access areas within the seaport
113 consistent with the requirements of the statewide minimum
114 standards and the provisions of s. 311.111. In such cases, a
115 Uniform Port Access Credential Card, authorizing restricted-area

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116 access, shall be required for any individual working within or
117 authorized to regularly enter a restricted access area and the
118 requirements in subsection (3) relating to criminal history
119 checks and employment restrictions shall be applicable only to
120 employees or other persons working within or authorized to
121 regularly enter a restricted access area. Every seaport security
122 plan shall set forth the conditions and restrictions to be
123 imposed upon others visiting the port or any restricted access
124 area sufficient to provide substantial compliance with the
125 statewide minimum standards. As determined by the seaport
126 director's most current risk assessment report, any restricted
127 access area with a potential human occupancy of 50 persons or
128 more, any cruise terminal, or any business operation that is
129 adjacent to an unrestricted public access area shall be
130 protected from the most probable and creditable terrorist threat
131 to human life by the use of the methods and principles contained
132 within Federal Emergency Management Agency, Risk Management
133 Series, "Reference Manual to Mitigate Potential Terrorist
134 Attacks Against Buildings" (FEMA 426) and the Federal Emergency
135 Management Agency, Risk Management Series, "Risk Assessment A
136 How-To Guide to Mitigate Potential Terrorist Attacks Against
137 Buildings" (FEMA 452).

138 (d) Within 30 days after the completion of the seaport's
139 security plan inspection by the Department of Law Enforcement,
140 it shall be delivered to the United States Coast Guard, the
141 Regional Domestic Security Task Force, and the Domestic Security
142 Oversight Council.

143 (e) It is the intent of the Legislature that Florida's
144 seaports adhere to security practices that are consistent with
145 risks assigned to each seaport through the risk assessment
146 process established in this subsection. Therefore, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

147 Department of Law Enforcement shall inspect every seaport within
148 the state to determine if all security measures adopted by the
149 seaport are in compliance with the standards set forth in this
150 chapter and shall submit the department's findings within 30
151 days after the inspection in a report to the Domestic Security
152 Oversight Council and the United States Coast Guard for review,
153 with requests to the Coast Guard for any necessary corrective
154 action.

155 (f) A seaport may request review by the Domestic Security
156 Oversight Council of the findings in any Department of Law
157 Enforcement inspection report as they relate to the requirements
158 of this section. The Domestic Security Oversight Council may
159 review only those findings under this section that are in
160 specific dispute by the seaport. In reviewing the disputed
161 findings, the council may concur in the findings of the
162 department or the seaport or may recommend corrective action to
163 the seaport. The department and the seaport shall give great
164 weight to any findings and recommendations of the council.

165 (3)

166 (e) The Department of Law Enforcement shall establish by
167 rule a waiver process to allow unescorted access to an
168 individual who is found to be unqualified under paragraph (c)
169 and denied employment by a seaport. The waiver consideration
170 shall be based on the circumstances of any disqualifying act or
171 offense, restitution made by the individual, and other factors
172 from which it may be determined that the individual does not
173 pose a risk of engaging in theft, drug trafficking, or terrorism
174 within the public seaports regulated under this chapter or of
175 harming any person. The waiver process shall begin when an
176 individual who has been denied initial employment within or
177 regular unescorted access to restricted areas of a public

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

178 seaport as described in paragraph (c) submits an application for
179 a waiver and notarized letter or affidavit from the individual's
180 employer or union representative which states the mitigating
181 reasons for initiating the waiver process. No later than 90 days
182 after receipt of the application, the administrative staff of
183 the Parole Commission shall conduct a factual review of the
184 waiver application. Findings of fact shall be transmitted to the
185 Department of Law Enforcement for review. The department shall
186 make a copy of those findings available to the applicant before
187 final disposition of the waiver request. The department shall
188 make a final disposition of the waiver request based on the
189 factual findings of the investigation by the Parole Commission.
190 The port authority that originally denied employment and the
191 waiver applicant shall be notified of the final disposition of
192 the waiver application by the department.

193 (4)

194 (b) The Office of Drug Control and the executive director
195 of the Department of Law Enforcement may modify or waive any
196 physical facility requirement or other requirement contained in
197 the statewide minimum standards for seaport security upon a
198 finding or other determination that the purposes of the
199 standards have been reasonably met or exceeded by the seaport
200 requesting the modification or waiver. Alternate means of
201 compliance may not in any way diminish the safety or security of
202 the seaport and shall be verified through an extensive risk
203 analysis conducted by the port director. Waivers shall be
204 submitted in writing with supporting documentation to the Office
205 of Drug Control and the Department of Law Enforcement. The
206 Office of Drug Control and the Department of Law Enforcement
207 shall have 90 days to jointly grant the waiver or reject the
208 waiver in whole or in part. Waivers not granted within 90 days

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

209 or jointly rejected shall be submitted by the seaport to the
210 Domestic Security Oversight Council for review. The Domestic
211 Security Oversight Council shall recommend that the Office of
212 Drug Control and the Department of Law Enforcement grant the
213 waiver or reject the waiver in whole or in part. The Office of
214 Drug Control and the Department of Law Enforcement shall give
215 great weight to any recommendations of the Domestic Security
216 Oversight Council. Waivers submitted for standards established
217 under s. 311.122(3) shall not be granted for percentages below
218 10 percent. Such modifications or waivers shall be noted in the
219 annual report submitted by the Department of Law Enforcement
220 pursuant to this subsection.

221 (7) Any person who has in his or her possession a
222 concealed weapon, or who operates or has possession or control
223 of a vehicle in or upon which a concealed weapon is placed or
224 stored, while in a designated restricted area on seaport
225 property commits a misdemeanor of the first degree, punishable
226 as provided in s. 775.082 or s. 775.083. This subsection does
227 not apply to active-duty certified federal, state law
228 enforcement personnel or persons so designated by the Seaport
229 Director in writing.

230 (8)(a) The Seaport Security Standards Advisory Council is
231 created under the Office of Drug Control. The council shall
232 serve as an advisory council under s. 20.03(7).

233 (b)1. The members of the Seaport Security Standards
234 Advisory Council shall be appointed by the Governor and consist
235 of the following:

- 236 a. Two seaport directors.
- 237 b. Two seaport security directors.
- 238 c. One designee from the Department of Law Enforcement.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

239 d. One designee from the Office of Motor Carrier
240 Compliance of the Department of Transportation.

241 e. One designee from the Attorney General's Office.

242 f. One designee from the Department of Agriculture and
243 Consumer Services.

244 g. One designee from the Office of Tourism, Trade, and
245 Economic Development.

246 h. One designee from the Office of Drug Control.

247 2. In addition to the members designated in subparagraph
248 1., the council may invite a representative of the United States
249 Coast Guard to attend and participate in council meetings as an
250 ex officio, nonvoting member of the council.

251 (c) Members of the council shall serve for terms of 4
252 years. A vacancy shall be filled by the original appointing
253 authority for the balance of the unexpired term.

254 (d) The Seaport Security Standards Advisory Council shall
255 be chaired by a designee from the Office of Drug Control. The
256 council shall meet upon the call of the chair and at least once
257 every 5 years.

258 (e) Commencing on January 15, 2007, and at least every 4
259 years thereafter, the Office of Drug Control shall convene the
260 Seaport Security Standards Advisory Council to review the
261 statewide minimum standards. The Seaport Security Standards
262 Advisory Council shall review the statewide minimum standards
263 for seaport security for applicability to and effectiveness in
264 combating current narcotics and terrorism threats to Florida's
265 seaports. All sources of information allowed by law shall be
266 utilized in assessing the applicability and effectiveness of the
267 standards.

268 (f) Seaport Security Standards Advisory Council members
269 shall serve without pay; however, per diem and travel allowances

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

270 may be claimed for attendance of officially called meetings as
271 provided by s. 112.061.

272 (h) The Seaport Security Standards Advisory Council shall
273 consult with the appropriate Area Maritime Security Committees
274 to assess possible impacts to commerce and trade contained in
275 the council's non-classified recommendations and findings.

276 (i) Recommendations and findings of the council shall be
277 transmitted to the Governor, the Speaker of the House of
278 Representatives, and the President of the Senate.

279 Section 3. Section 311.121, Florida Statutes, is created
280 to read:

281 311.121 Qualifications, training, and certification of
282 licensed security officers at Florida seaports.--

283 (1) It is the intent of the Legislature that seaports in
284 the state be able to mitigate operational security costs without
285 reducing security levels by employing a combination of certified
286 law enforcement officers and certified private security service
287 officers. In order to accomplish this intent, seaports shall
288 have the option to recruit and employ seaport security officers
289 who are trained and certified pursuant to the provisions of this
290 section. The Department of Law Enforcement shall adhere to this
291 intent in the approval and certification process for seaport
292 security required under s. 311.12.

293 (2) The authority or governing board of each seaport
294 identified under s. 311.09 that is subject to the statewide
295 minimum seaport security standards established in s. 311.12
296 shall require that a candidate for certification as a seaport
297 security officer:

298 (a) Has received a Class D license as a security officer
299 under chapter 493.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

300 (b) Has successfully completed the certified training
301 curriculum for a Class D license or has been determined by the
302 Department of Agriculture and Consumer Services to have
303 equivalent experience as established by rule of the department.

304 (c) Has completed the training or training equivalency and
305 testing process established by this section for becoming a
306 certified seaport security officer.

307 (3)(a) The Seaport Security Officer Qualification,
308 Training, and Standards Coordinating Council is created under
309 the Department of Law Enforcement.

310 (b)1. The executive director of the Department of Law
311 Enforcement shall appoint 11 members to the council which shall
312 include:

313 a. The seaport administrator of the Department of Law
314 Enforcement.

315 b. The chancellor of the Community College System.

316 c. The director of the Division of Licensing of the
317 Department of Agriculture and Consumer Services.

318 d. The administrator of the Florida Seaport Transportation
319 and Economic Development Council.

320 e. Two seaport security directors from seaports designated
321 under s. 311.09.

322 f. One director of a state law enforcement academy.

323 g. One representative of a local law enforcement agency.

324 h. Two representatives of contract security services.

325 i. One representative of the Division of Driver Licenses
326 of the Department of Highway Safety and Motor Vehicles.

327 2. In addition to the members designated in subparagraph
328 1., the executive director may invite a representative of the
329 United States Coast Guard to attend and participate in council
330 meetings as an ex officio, nonvoting member of the council.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

331 (c) Council members designated in subparagraphs (b)1.-4.
332 shall serve for the duration of their employment or appointment.
333 Council members designated under subparagraphs (b)5.-10. shall
334 serve 4-year terms, except that the initial appointment for the
335 representative of a local law enforcement agency, one
336 representative of a contract security agency, and one seaport
337 security director from a seaport designated in s. 311.09 shall
338 serve for terms of 2 years.

339 (d) The chancellor of the Community College System shall
340 serve as chair of the council.

341 (e) The council shall meet upon the call of the chair, and
342 at least once a year to update or modify curriculum
343 recommendations.

344 (f) Council members shall serve without pay; however, per
345 diem and travel allowances may be claimed for attendance of
346 officially called meetings as provided by s. 112.061.

347 (g) By December 1, 2006, the council shall identify the
348 qualifications, training, and standards for seaport security
349 officer certification and recommend a curriculum for the seaport
350 security officer training program that shall include no less
351 than 218 hours of initial certification training and that
352 conforms to or exceeds model courses approved by the Federal
353 Maritime Act under Section 109 of the Federal Maritime
354 Transportation Security Act of 2002 for facility personnel with
355 specific security duties.

356 (h) The council may recommend training equivalencies that
357 may be substituted for portions of the required training.

358 (i) The council shall recommend a continuing education
359 curriculum of no less than 8 hours of additional training for
360 each annual licensing period.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

361 (4) (a) The Department of Education shall develop the
362 curriculum recommendations and classroom-hour specifications of
363 the Seaport Security Officer Qualifications, Training, and
364 Standards Coordinating Council into initial and continuing
365 education and training programs for seaport security officer
366 certification.

367 (b) Such training programs shall be used by schools
368 licensed under s. 493.6304, and each instructor providing
369 training must hold a Class D license pursuant to s. 493.6301.

370 (c) A seaport authority or other organization involved in
371 seaport-related activities may apply to become a school licensed
372 under s. 493.6304.

373 (d) The training programs shall include proficiency
374 examinations that must be passed by each candidate for
375 certification who successfully completes the required hours of
376 training or provides proof of authorized training equivalencies.

377 (e) A candidate for certification must be provided with a
378 list of authorized training equivalencies in advance of
379 training; however, each candidate for certification must
380 successfully complete 20 hours of study specific to Florida
381 Maritime Security and pass the related portion of the
382 proficiency examination.

383 (5) Seaport security officer certificates shall be
384 provided by the Department of Agriculture and Consumer Services
385 for issuance by a school licensed under s. 493.6304 and such
386 school may issue the certificate to an applicant who has
387 successfully completed the training program. A school shall
388 notify the Division of Licensing within the department upon the
389 issuance of each certificate. The notification must include the
390 name and Class D license number of the certificate holder and a
391 copy of the certificate. The department shall place the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

notification with the licensee's file. Notification may be provided by electronic or paper format pursuant to instruction of the Department of Agriculture and Consumer Services.

(6)(a) Upon completion of the certification process, a person holding a Class D license must apply for a revised license pursuant to s. 493.6107(2), which license shall state that the licensee is certified as a seaport security officer.

(b) A person who has been issued a seaport security officer certificate is authorized to perform duties specifically required of a seaport security officer.

(c) The certificate is valid for the duration of the seaport security officer's Class D license and shall be renewed upon renewal of the license.

(d) The certificate shall become void if the seaport security officer's Class D license is revoked or allowed to lapse for more than 1 year or if the licensee fails to complete the annual continuing education requirement prior to expiration of the Class D license.

(e) Renewal of certification following licensure revocation or a lapse of longer than 1 year requires, at a minimum, 20 hours of recertification training and reexamination of the applicant.

Section 4. Section 311.122, Florida Statutes, is created to read:

311.122 Seaport law enforcement agency; authorization; requirements; powers; training.--

(1) Each seaport in the state is authorized to create a seaport law enforcement agency for its facility, which authority in no way precludes the seaport from contracting with local governments or law enforcement agencies to comply with the security standards required by this chapter.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

423 (2) Each seaport law enforcement agency shall meet all of
424 the standards set by the state under certified law enforcement
425 guidelines and requirements and shall be certified as provided
426 under chapter 943.

427 (3) If a seaport creates a seaport law enforcement agency
428 for its facility, a minimum of 30 percent of the aggregate
429 personnel of each seaport law enforcement agency shall be sworn
430 state-certified law enforcement officers with additional
431 Maritime Transportation Security Act seaport training; a minimum
432 of 30 percent of on-duty personnel of each seaport law
433 enforcement agency shall be sworn state-certified law
434 enforcement officers with additional Maritime Transportation
435 Security Act seaport training; and at least one on-duty
436 supervisor must be a sworn state-certified law enforcement
437 officer with additional Maritime Transportation Security Act
438 seaport training.

439 (4) For the purposes of this chapter, where applicable,
440 seaport law enforcement agency officers shall have the same
441 powers as university police officers as provided in s. 1012.97;
442 however, such powers do not extend beyond the property of the
443 seaport except in connection with an investigation initiated on
444 seaport property or in connection with an immediate, imminent
445 threat to the seaport.

446 (5) For the purposes of this chapter, sworn state-
447 certified seaport security officers shall have the same law
448 enforcement powers with respect to the enforcement of traffic
449 laws on seaport property as university police officers under s.
450 1012.97, community college police officers under s. 1012.88, and
451 airport police officers under the provisions of s.
452 316.640(1)(a)1.d.(I)-(II).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

453 (6) Certified seaport security officers shall have the
454 authority to immediately tow any vehicle parked illegally as
455 indicated by an existing sign or during an emergency as deemed
456 necessary to maintain seaport security.

457 Section 5. Section 311.123, Florida Statutes, is created
458 to read:

459 311.123 Maritime domain security awareness training
460 program.--

461 (1) The Florida Seaport Transportation and Economic
462 Development Council, in conjunction with the Department of Law
463 Enforcement and the Office of Drug Control within the Executive
464 Office of the Governor, shall create a maritime domain security
465 awareness training program to instruct all personnel employed
466 within a seaport's boundaries about the security procedures
467 required of them for implementation of the seaport security
468 plan.

469 (2) The training program curriculum must include security
470 training required pursuant to 33 C.F.R. part 105 and must be
471 designed to enable the seaports in this state to meet the
472 training, drill, and exercise requirements of 33 C.F.R. part 105
473 and individual seaport security plans and to comply with the
474 requirements of s. 311.12 relating to security awareness.

475 Section 6. Section 311.124, Florida Statutes, is created
476 to read:

477 311.124 Trespassing; detention by a certified seaport
478 security officer.--

479 (1) Any Class D or Class G seaport security officer
480 certified under the Maritime Transportation Security Act
481 guidelines and s. 311.121 or any employee of the seaport
482 security force certified under the Maritime Transportation
483 Security Act guidelines and s. 311.121 who has probable cause to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

484 believe that a person is trespassing pursuant to the provisions
485 of s. 810.08 or s. 810.09 or this chapter in a designated
486 restricted area pursuant to s. 311.111 is authorized to detain
487 such person in a reasonable manner for a reasonable period of
488 time pending the arrival of a law enforcement officer, and such
489 action shall not render the security officer criminally or
490 civilly liable for false arrest, false imprisonment, or unlawful
491 detention.

492 (2) Upon detaining a person for trespass, the seaport
493 security officer shall immediately call a certified law
494 enforcement officer to the scene.

495 Section 7. Section 817.021, Florida Statutes, is created
496 to read:

497 817.021 False information to obtain a seaport security
498 identification card.--A person who willfully and knowingly
499 provides false information in obtaining or attempting to obtain
500 a seaport security identification card commits a felony of the
501 third degree, punishable as provided in s. 775.082 or s.
502 775.083.

503 Section 8. This act shall take effect July 1, 2006.

504
505 ===== T I T L E A M E N D M E N T =====

506 Remove the entire title and insert:

507 An act relating to seaport security; creating s. 311.111, F.S.;
508 requiring each seaport authority or governing board of a seaport
509 that is subject to the statewide minimum seaport security
510 standards to designate and identify security area designations,
511 access requirements, and security enforcement authorizations on
512 seaport premises and in seaport security plans; providing that
513 any part of a port's property may be designated as a restricted
514 access area under certain conditions; amending s. 311.12, F.S.;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

515 revising purpose of security plans maintained by seaports;
516 requiring periodic plan revisions; requiring plans to be
517 inspected by the Office of Drug Control and the Department of
518 Law Enforcement based upon specified standards; providing
519 requirements with respect to protection standards in specified
520 restricted areas; requiring delivery of the plan to specified
521 entities; requiring the Department of Law Enforcement to inspect
522 every seaport within the state to determine if all security
523 measures adopted by the seaport are in compliance with seaport
524 security standards; requiring a report; authorizing seaports to
525 appeal findings in a Department of Law Enforcement inspection
526 report; requiring the Domestic Security Oversight Council to
527 establish a review process; requiring the Department of Law
528 Enforcement to establish a waiver process to grant certain
529 individuals unescorted access to seaports or restricted access
530 areas under certain circumstances; providing waiver process
531 requirements; requiring the administrative staff of the Parole
532 Commission to review the waiver application and transmit the
533 findings to the department; requiring the department to make a
534 final disposition of the application and notify the applicant
535 and the seaport; exempting the waiver process from
536 administrative procedures requirements; providing procedures and
537 requirements with respect to waiver of any physical facility
538 requirement or other requirement contained in the statewide
539 minimum standards for seaport security; providing a penalty for
540 possession of a concealed weapon while on seaport property in a
541 designated restricted area; requiring periodic review of the
542 statewide minimum standards for seaport security to be conducted
543 under the Office of Drug Control within the Executive Office of
544 the Governor; requiring the Office of Drug Control to convene a
545 Seaport Security Standards Advisory Council to review the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

546 statewide minimum standards for seaport security with respect to
547 current narcotics and terrorism threats to Florida's seaports;
548 providing membership, terms, organization, and meetings of the
549 council; creating s. 311.121, F.S.; providing legislative intent
550 with respect to the employment by seaports of certified law
551 enforcement officers and certified private security officers;
552 providing authority of seaports and requirements of the
553 Department of Law Enforcement with respect to such intent;
554 requiring the authority or governing board of each seaport that
555 is subject to statewide minimum seaport security standards to
556 impose specified requirements for certification as a seaport
557 security officer; creating the Seaport Security Officer
558 Qualification, Training, and Standards Coordinating Council
559 under the Department of Law Enforcement; providing membership
560 and organization of the council; providing terms of members;
561 providing duties and authority of the council; requiring the
562 Department of Education to develop curriculum recommendations
563 and specifications of the council into initial and continuing
564 education and training programs for seaport security officer
565 certification; providing requirements and procedures with
566 respect to such training programs; providing requirements and
567 procedures with respect to certification as a seaport security
568 officer; providing requirements for renewal of inactive or
569 revoked certification; creating s. 311.122, F.S.; authorizing
570 each seaport in the state to create a seaport law enforcement
571 agency for its facility; providing requirements of an agency;
572 requiring certification of an agency; providing requirements
573 with respect to the composition of agency personnel; providing
574 powers of seaport law enforcement agency officers and seaport
575 security officers; creating s. 311.123, F.S.; providing for the
576 creation of a maritime domain security awareness training

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

577 program; providing purpose of the program; providing program
578 training curriculum requirements; creating s. 311.124, F.S.;
579 providing authority of seaport security officers to detain
580 persons suspected of trespassing in a designated restricted area
581 of a seaport; providing immunity from specified criminal or
582 civil liability; creating s. 817.021, F.S.; providing a criminal
583 penalty for willfully and knowingly providing false information
584 in obtaining or attempting to obtain a seaport security
585 identification card; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7145**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER ☐

Council/Committee hearing bill: State Administration Council
Representative(s) Adams offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 311.111, Florida Statutes is created to
read:

311.111 Security area designations; access requirements;
authority.--Each seaport authority or governing board of a
seaport identified in s. 311.09 that is subject to the statewide
minimum seaport security standards in s. 311.12 shall clearly
designate in seaport security plans and clearly identify with
appropriate signs and markers on the premises of a seaport the
following security area designations, access requirements, and
corresponding security enforcement authorizations, which may
include, but not be limited to, clear notice of the prohibition
on possession of concealed weapons and other contraband material
on the premises of the seaport:

(1) Unrestricted public access area.--An unrestricted
public access area of a seaport is open to the general public
without a seaport identification card other than that required
as a condition of employment by a seaport director.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 (2) Restricted public access area.--A restricted public
24 access area of a seaport is open to the public for a specific
25 purpose via restricted access and open to individuals working on
26 the seaport, seaport employees, or guests who have business with
27 the seaport. Any person found in these areas without the proper
28 level of identification card is subject to the trespass
29 provisions of ss. 810.08 and 810.09 and this chapter. All
30 persons and objects in these areas are subject to search by a
31 sworn state-certified law enforcement officer, a Class D seaport
32 security officer certified under Maritime Transportation
33 Security Act guidelines and s. 311.121, or an employee of the
34 seaport security force certified under the Maritime
35 Transportation Security Act guidelines and s. 311.121.

36 (3) Restricted access area.--A restricted access area of a
37 seaport is open only to individuals working on the seaport,
38 seaport employees, or guests who have business with the seaport.
39 Any person found in these areas without the proper level of
40 identification card is subject to the trespass provisions of ss.
41 810.08 and 810.09 and this chapter. All persons and objects in
42 these areas are subject to search by a sworn state-certified law
43 enforcement officer, a Class D seaport security officer
44 certified under Maritime Transportation Security Act guidelines
45 and s. 311.121, or an employee of the seaport security force
46 certified under the Maritime Transportation Security Act
47 guidelines and s. 311.121.

48 (4) Secured restricted access area.--A secured restricted
49 access area of a seaport is open only to individuals working on
50 the seaport, seaport employees, or guests who have business with
51 the seaport and is secured at each point of access at all times
52 by a Class D seaport security officer certified under the
53 Maritime Transportation Security Act, a sworn state-certified

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 law enforcement officer, or an employee of the port's security
55 force certified under the Maritime Transportation Security Act.
56 Any person found in these areas without the proper level of
57 identification card is subject to the trespass provisions of ss.
58 810.08 and 810.09 and this chapter. All persons and objects in
59 these areas are subject to search by a Class D seaport security
60 officer certified under Maritime Transportation Security Act
61 guidelines and s. 311.121, a sworn state-certified law
62 enforcement officer, or an employee of the seaport security
63 force certified under the Maritime Transportation Security Act
64 guidelines and s. 311.121.

65 (5) TEMPORARY DESIGNATION.--During a period of high
66 terrorist threat level designated by the United States
67 Department of Homeland Security or the Florida Department of Law
68 Enforcement or during an emergency declared by the seaport
69 security director of a port due to events applicable to that
70 particular port, the management or controlling authority of the
71 port may temporarily designate any part of the port property as
72 a restricted access area or a secured restricted access area.
73 The duration of such designation is limited to the period in
74 which the high terrorist threat level is in effect or a port
75 emergency exists. Subsections (3) and (4) do not limit the power
76 of the managing or controlling authority of a seaport to
77 designate any port property as a restricted access area or a
78 secured restricted access area as otherwise provided by law.

79 Section 2. Subsection (2), and paragraph (b) of subsection
80 (4) of section 311.12, Florida Statutes, are amended, paragraph
81 (e) is added to subsection (3) of that section, and subsections
82 (7) and (8) are added to that section, to read:

83 311.12 Seaport security standards; inspections;
84 compliance; appeals.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 (2)(a) Each seaport identified in s. 311.09 shall maintain
86 a security plan to provide for a secure seaport infrastructure
87 specific to that seaport that shall promote the safety and
88 security of the residents and visitors of the state and promote
89 the flow of legitimate trade and travel. Commencing January 1,
90 2007, and every 5 years thereafter, the seaport director of each
91 seaport, with the assistance of the Regional Domestic Security
92 Task Force and in conjunction with the United States Coast
93 Guard, shall revise the seaport security plan based on the
94 results of continual, quarterly assessments by the seaport
95 director of security risks and possible risks related to
96 terrorist activities and relating to the specific and
97 identifiable needs of the seaport which assures that the seaport
98 is in substantial compliance with the statewide minimum
99 standards established pursuant to subsection (1).

100 (b) Each plan adopted or revised pursuant to this
101 subsection shall be inspected for compliance and must be
102 reviewed and approved by the Office of Drug Control and the
103 Department of Law Enforcement based solely upon the standards as
104 set forth under the most current Maritime Transportation
105 Security Act, 33 C.F.R. s. 105.305, and the statewide minimum
106 standards established pursuant to subsection (1). All such
107 seaports shall allow unimpeded access by the Department of Law
108 Enforcement to the affected facilities for purposes of plan or
109 compliance inspections or other operations authorized by this
110 section.

111 (c) Each seaport security plan shall ~~may~~ establish
112 unrestricted and restricted access areas within the seaport
113 consistent with the requirements of the statewide minimum
114 standards and the provisions of s. 311.111. In such cases, a
115 Uniform Port Access Credential Card, authorizing restricted-area

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116 access, shall be required for any individual working within or
117 authorized to regularly enter a restricted access area and the
118 requirements in subsection (3) relating to criminal history
119 checks and employment restrictions shall be applicable only to
120 employees or other persons working within or authorized to
121 regularly enter a restricted access area. Every seaport security
122 plan shall set forth the conditions and restrictions to be
123 imposed upon others visiting the port or any restricted access
124 area sufficient to provide substantial compliance with the
125 statewide minimum standards. As determined by the seaport
126 director's most current quarterly risk assessment report, any
127 restricted access area with a potential human occupancy of 50
128 persons or more, any cruise terminal, or any business operation
129 that is adjacent to an unrestricted public access area shall be
130 protected from the most probable and creditable terrorist threat
131 to human life by the use of the methods and principles contained
132 within Federal Emergency Management Agency, Risk Management
133 Series, "Reference Manual to Mitigate Potential Terrorist
134 Attacks Against Buildings" (FEMA 426) and the Federal Emergency
135 Management Agency, Risk Management Series, "Risk Assessment A
136 How-To Guide to Mitigate Potential Terrorist Attacks Against
137 Buildings" (FEMA 452).

138 (d) Within 30 days after the completion of the seaport's
139 security plan inspection by the Department of Law Enforcement,
140 it shall be delivered to the United States Coast Guard, the
141 Regional Domestic Security Task Force, and the Domestic Security
142 Oversight Council.

143 (e) It is the intent of the Legislature that Florida's
144 seaports adhere to security practices that are consistent with
145 risks assigned to each seaport through the risk assessment
146 process established in this section. Therefore, the Department

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

147 of Law Enforcement shall inspect every seaport within the state
148 to determine if all security measures adopted by the seaport are
149 in compliance with the standards set forth in this chapter and
150 shall submit the department's findings within 30 days after the
151 inspection in a report to the Domestic Security Oversight
152 Council and the United States Coast Guard for review, with
153 requests to the Coast Guard for any necessary corrective action.

154 (f) Notwithstanding the provisions of chapter 120, a
155 seaport may appeal to the Domestic Security Oversight Council
156 for review and mediation the findings in any Department of Law
157 Enforcement inspection report as they relate to the requirements
158 of this section. The Domestic Security Oversight Council shall
159 establish a review process and may review only those findings
160 under this section that are in specific dispute by the seaport.
161 In reviewing the disputed findings, the council may concur in
162 the findings of the department or the seaport or may recommend
163 corrective action to the seaport. Findings of the council shall
164 be considered final.

165 (3)

166 (e) The Department of Law Enforcement shall establish a
167 waiver process to allow unescorted access to an individual who
168 is found to be unqualified under paragraph (c) and denied
169 employment by a seaport. The waiver consideration shall be based
170 on the circumstances of any disqualifying act or offense,
171 restitution made by the individual, and other factors from which
172 it may be determined that the individual does not pose a risk of
173 engaging in theft, drug trafficking, or terrorism within the
174 public seaports regulated under this chapter or of harming any
175 person. The waiver process shall begin when an individual who
176 has been denied initial employment within or regular unescorted
177 access to restricted areas of a public seaport as described in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

178 paragraph (c) submits an application for a waiver and notarized
179 letter or affidavit from the individual's employer or union
180 representative which states the mitigating reasons for
181 initiating the waiver process. No later than 90 days after
182 receipt of the application, the administrative staff of the
183 Parole Commission shall conduct a factual review of the waiver
184 application. Findings of fact shall be transmitted to the
185 Department of Law Enforcement for review. The department shall
186 make a copy of those findings available to the applicant before
187 final disposition of the waiver request. The department shall
188 make a final disposition of the waiver request based on the
189 factual findings of the investigation by the Parole Commission.
190 The port authority that originally denied employment and the
191 waiver applicant shall be notified of the final disposition of
192 the waiver application by the department. This review process is
193 exempt from chapter 120.

194 (4)

195 (b) The Office of Drug Control and the executive director
196 of the Department of Law Enforcement may modify or waive any
197 physical facility requirement or other requirement contained in
198 the statewide minimum standards for seaport security upon a
199 finding or other determination that the purposes of the
200 standards have been reasonably met or exceeded by the seaport
201 requesting the modification or waiver. Alternate means of
202 compliance may not in any way diminish the safety or security of
203 the seaport and shall be verified through an extensive risk
204 analysis conducted by the port director. Waivers shall be
205 submitted in writing with supporting documentation to the Office
206 of Drug Control and the Department of Law Enforcement. The
207 Office of Drug Control and the Department of Law Enforcement
208 shall have 90 days to jointly grant the waiver or reject the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

209 waiver in whole or in part. Waivers not granted within 90 days
210 or jointly rejected shall be submitted by the seaport to the
211 Domestic Security Oversight Council for consideration. The
212 Domestic Security Oversight Council shall grant the waiver or
213 reject the waiver in whole or in part. The decision of the
214 Domestic Security Oversight Council shall be considered final.
215 Waivers submitted for standards established under s. 311.122(3)
216 shall be granted for percentages below 10 percent. Such
217 modifications or waivers shall be noted in the annual report
218 submitted by the Department of Law Enforcement pursuant to this
219 subsection.

220 (7) Any person who has in his or her possession a
221 concealed weapon, or who operates or has possession or control
222 of a vehicle in or upon which a concealed weapon is placed or
223 stored, while in a designated restricted area on seaport
224 property commits a misdemeanor of the first degree, punishable
225 as provided in s. 775.082 or s. 775.083. This subsection does
226 not apply to active-duty certified federal, state law
227 enforcement personnel or persons so designated by the Seaport
228 Director in writing.

229 (8)(a) Commencing on January 15, 2007, and at least every
230 4 years thereafter, a review of the statewide minimum standards
231 for seaport security as contained in paragraph (1)(a) shall be
232 conducted under the Office of Drug Control within the Executive
233 Office of the Governor by the Seaport Security Standards
234 Advisory Council as provided in paragraph (c).

235 (b) The Seaport Security Standards Advisory Council is
236 created under the Office of Drug Control as defined in s.
237 20.03(7).

238 (c) The Office of Drug Control shall convene the Seaport
239 Security Standards Advisory Council to review the statewide

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

240 minimum standards for seaport security for applicability to and
241 effectiveness in combating current narcotics and terrorism
242 threats to Florida's seaports. All sources of information
243 allowed by law shall be utilized in assessing the applicability
244 and effectiveness of the standards.

245 (d) The members of the Seaport Security Standards Advisory
246 Council shall be appointed by the Governor and consist of the
247 following:

- 248 1. Two seaport directors.
- 249 2. Two seaport security directors.
- 250 3. One designee from the Department of Law Enforcement.
- 251 4. One designee from the Office of Motor Carrier
252 Compliance of the Department of Transportation.
- 253 5. One designee from the Attorney General's Office.
- 254 6. One designee from the Department of Agriculture and
255 Consumer Services.
- 256 7. One designee from the Office of Tourism, Trade, and
257 Economic Development.
- 258 8. A representative of the United States Coast Guard who
259 shall serve as an ex officio member of the council.

260 (e) Members of the council shall serve for terms of 4
261 years. A vacancy shall be filled by the original appointing
262 authority for the balance of the unexpired term.

263 (f) Seaport Security Standards Advisory Council members
264 shall serve without pay; however, state per diem and travel
265 allowances may be claimed for attendance of officially called
266 meetings as provided by s. 112.061.

267 (g) The Seaport Security Standards Advisory Council shall
268 be chaired by a designee from the Office of Drug Control. The
269 council shall meet upon the call of the chair and at least once
270 every 5 years.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

271 (h) The Seaport Security Standards Advisory Council shall
272 consult with the appropriate Area Maritime Security Committees
273 to assess possible impacts to commerce and trade contained in
274 the council's non-classified recommendations and findings.

275 (i) Recommendations and findings of the council shall be
276 transmitted to the Governor, the Speaker of the House of
277 Representatives, and the President of the Senate.

278 Section 3. Section 311.121, Florida Statutes, is created
279 to read:

280 311.121 Qualifications, training, and certification of
281 licensed security officers at Florida seaports.--

282 (1) It is the intent of the Legislature that seaports in
283 the state be able to mitigate operational security costs without
284 reducing security levels by employing a combination of certified
285 law enforcement officers and certified private security service
286 officers. In order to accomplish this intent, seaports shall
287 have the option to recruit and employ seaport security officers
288 who are trained and certified pursuant to the provisions of this
289 section. The Department of Law Enforcement shall adhere to this
290 intent in the approval and certification process for seaport
291 security required under s. 311.12.

292 (2) The authority or governing board of each seaport
293 identified under s. 311.09 that is subject to the statewide
294 minimum seaport security standards established in s. 311.12
295 shall require that a candidate for certification as a seaport
296 security officer:

297 (a) Has received a Class D license as a security officer
298 under chapter 493.

299 (b) Has successfully completed the certified training
300 curriculum for a Class D license or has been determined by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Department of Agriculture and Consumer Services to have
equivalent experience as established by rule of the department.

(c) Has completed the training or training equivalency and
testing process established by this section for becoming a
certified seaport security officer.

(3)(a) The Seaport Security Officer Qualification,
Training, and Standards Coordinating Council is created under
the Department of Law Enforcement.

(b) The executive director of the Department of Law
Enforcement shall appoint 12 members to the council which shall
include:

1. The seaport administrator of the Department of Law
Enforcement.

2. The chancellor of the Community College System.

3. The director of the Division of Licensing of the
Department of Agriculture and Consumer Services.

4. The administrator of the Florida Seaport Transportation
and Economic Development Council.

5. Two seaport security directors from seaports designated
under s. 311.09.

6. One director of a state law enforcement academy.

7. One representative of a local law enforcement agency.

8. Two representatives of contract security services.

9. One representative of the Division of Driver Licenses
of the Department of Highway Safety and Motor Vehicles.

10. One representative of the United States Coast Guard
who shall serve as an ex officio member of the council.

(c) Council members designated in subparagraphs (b)1.-4.
shall serve for the duration of their employment or appointment.
Council members designated under subparagraphs (b)5.-10. shall
serve 4-year terms, except that the initial appointment for the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

332 representative of a local law enforcement agency, one
333 representative of a contract security agency, and one seaport
334 security director from a seaport designated in s. 311.09 shall
335 serve for terms of 2 years.

336 (d) The chancellor of the Community College System shall
337 serve as chair of the council.

338 (e) The council shall meet upon the call of the chair, and
339 at least once a year to update or modify curriculum
340 recommendations.

341 (f) Council members shall serve without pay; however,
342 state per diem and travel allowances may be claimed for
343 attendance of officially called meetings as provided by s.
344 112.061.

345 (g) By December 1, 2006, the council shall identify the
346 qualifications, training, and standards for seaport security
347 officer certification and recommend a curriculum for the seaport
348 security officer training program that shall include no less
349 than 218 hours of initial certification training and that
350 conforms to or exceeds model courses approved by the Federal
351 Maritime Act under Section 109 of the Federal Maritime
352 Transportation Security Act of 2002 for facility personnel with
353 specific security duties.

354 (h) The council may recommend training equivalencies that
355 may be substituted for portions of the required training.

356 (i) The council shall recommend a continuing education
357 curriculum of no less than 8 hours of additional training for
358 each annual licensing period.

359 (4)(a) The Department of Education shall develop the
360 curriculum recommendations and classroom-hour specifications of
361 the Seaport Security Officer Qualifications, Training, and
362 Standards Coordinating Council into initial and continuing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

363 education and training programs for seaport security officer
364 certification.

365 (b) Such training programs shall be used by schools
366 licensed under s. 493.6304, and each instructor providing
367 training must hold a Class D license pursuant to s. 493.6301.

368 (c) A seaport authority or other organization involved in
369 seaport-related activities may apply to become a school licensed
370 under s. 493.6304.

371 (d) The training programs shall include proficiency
372 examinations that must be passed by each candidate for
373 certification who successfully completes the required hours of
374 training or provides proof of authorized training equivalencies.

375 (e) A candidate for certification must be provided with a
376 list of authorized training equivalencies in advance of
377 training; however, each candidate for certification must
378 successfully complete 20 hours of study specific to Florida
379 Maritime Security and pass the related portion of the
380 proficiency examination.

381 (5) Seaport security officer certificates shall be
382 provided by the Department of Agriculture and Consumer Services
383 for issuance by a school licensed under s. 493.6304 and such
384 school may issue the certificate to an applicant who has
385 successfully completed the training program. A school shall
386 notify the Division of Licensing within the department upon the
387 issuance of each certificate. The notification must include the
388 name and Class D license number of the certificate holder and a
389 copy of the certificate. The department shall place the
390 notification with the licensee's file. Notification may be
391 provided by electronic or paper format pursuant to instruction
392 of the Department of Agriculture and Consumer Services.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

393 (6) (a) Upon completion of the certification process, a
394 person holding a Class D license must apply for a revised
395 license pursuant to s. 493.6107(2), which license shall state
396 that the licensee is certified as a seaport security officer.

397 (b) A person who has been issued a seaport security
398 officer certificate is authorized to perform duties specifically
399 required of a seaport security officer.

400 (c) The certificate is valid for the duration of the
401 seaport security officer's Class D license and shall be renewed
402 upon renewal of the license.

403 (d) The certificate shall become void if the seaport
404 security officer's Class D license is revoked or allowed to
405 lapse for more than 1 year or if the licensee fails to complete
406 the annual continuing education requirement prior to expiration
407 of the Class D license.

408 (e) Renewal of certification following licensure
409 revocation or a lapse of longer than 1 year requires, at a
410 minimum, 20 hours of recertification training and reexamination
411 of the applicant.

412 Section 4. Section 311.122, Florida Statutes, is created
413 to read:

414 311.122 Seaport law enforcement agency; authorization;
415 requirements; powers; training.--

416 (1) Each seaport in the state is authorized to create a
417 seaport law enforcement agency for its facility, which authority
418 in no way precludes the seaport from contracting with local
419 governments or law enforcement agencies to comply with the
420 security standards required by this chapter.

421 (2) Each seaport law enforcement agency shall meet all of
422 the standards set by the state under certified law enforcement

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

423 guidelines and requirements and shall be certified as provided
424 under chapter 943.

425 (3) If a seaport creates a seaport law enforcement agency
426 for its facility, a minimum of 30 percent of the aggregate
427 personnel of each seaport law enforcement agency shall be sworn
428 state-certified law enforcement officers with additional
429 Maritime Transportation Security Act seaport training; a minimum
430 of 30 percent of on-duty personnel of each seaport law
431 enforcement agency shall be sworn state-certified law
432 enforcement officers with additional Maritime Transportation
433 Security Act seaport training; and at least one on-duty
434 supervisor must be a sworn state-certified law enforcement
435 officer with additional Maritime Transportation Security Act
436 seaport training.

437 (4) For the purposes of this chapter, where applicable,
438 seaport law enforcement agency officers shall have the same
439 powers as university police officers as provided in s. 1012.97;
440 however, such powers do not extend beyond the property of the
441 seaport except in connection with an investigation initiated on
442 seaport property or in connection with an immediate, imminent
443 threat to the seaport.

444 (5) For the purposes of this chapter, sworn state-
445 certified seaport security officers shall have the same law
446 enforcement powers with respect to the enforcement of traffic
447 laws on seaport property as university police officers under s.
448 1012.97, community college police officers under s. 1012.88, and
449 airport police officers under the provisions of s.
450 316.640(1)(a)1.d.(I)-(II).

451 (6) Certified seaport security officers shall have the
452 authority to immediately tow any vehicle parked illegally as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

453 indicated by an existing sign or during an emergency as deemed
454 necessary to maintain seaport security.

455 Section 5. Section 311.123, Florida Statutes, is created
456 to read:

457 311.123 Maritime domain security awareness training
458 program.--

459 (1) The Florida Seaport Transportation and Economic
460 Development Council, in conjunction with the Department of Law
461 Enforcement and the Office of Drug Control within the Executive
462 Office of the Governor, shall create a maritime domain security
463 awareness training program to instruct all personnel employed
464 within a seaport's boundaries about the security procedures
465 required of them for implementation of the seaport security
466 plan.

467 (2) The training program curriculum must include security
468 training required pursuant to 33 C.F.R. part 105 and must be
469 designed to enable the seaports in this state to meet the
470 training, drill, and exercise requirements of 33 C.F.R. part 105
471 and individual seaport security plans and to comply with the
472 requirements of s. 311.12 relating to security awareness.

473 Section 6. Section 311.124, Florida Statutes, is created
474 to read:

475 311.124 Trespassing; detention by a certified seaport
476 security officer.--

477 (1) Any Class D or Class G seaport security officer
478 certified under the Maritime Transportation Security Act
479 guidelines and s. 311.121 or any employee of the seaport
480 security force certified under the Maritime Transportation
481 Security Act guidelines and s. 311.121 who has probable cause to
482 believe that a person is trespassing pursuant to the provisions
483 of s. 810.08 or s. 810.09 or this chapter in a designated

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

484 restricted area pursuant to s. 311.111 is authorized to detain
485 such person in a reasonable manner for a reasonable period of
486 time pending the arrival of a law enforcement officer, and such
487 action shall not render the security officer criminally or
488 civilly liable for false arrest, false imprisonment, or unlawful
489 detention.

490 (2) Upon detaining a person for trespass, the seaport
491 security officer shall immediately call a certified law
492 enforcement officer to the scene.

493 Section 7. Section 817.021, Florida Statutes, is created
494 to read:

495 817.021 False information to obtain a seaport security
496 identification card.--A person who willfully and knowingly
497 provides false information in obtaining or attempting to obtain
498 a seaport security identification card commits a felony of the
499 third degree, punishable as provided in s. 775.082 or s.
500 775.083.

501 Section 8. This act shall take effect July 1, 2006.

502
503 ===== T I T L E A M E N D M E N T =====

504 Remove the entire title and insert:

505 An act relating to seaport security; creating s. 311.111, F.S.;
506 requiring each seaport authority or governing board of a seaport
507 that is subject to the statewide minimum seaport security
508 standards to designate and identify security area designations,
509 access requirements, and security enforcement authorizations on
510 seaport premises and in seaport security plans; providing that
511 any part of a port's property may be designated as a restricted
512 access area under certain conditions; amending s. 311.12, F.S.;
513 revising purpose of security plans maintained by seaports;
514 requiring periodic plan revisions; requiring plans to be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

515 inspected by the Office of Drug Control and the Department of
516 Law Enforcement based upon specified standards; providing
517 requirements with respect to protection standards in specified
518 restricted areas; requiring delivery of the plan to specified
519 entities; requiring the Department of Law Enforcement to inspect
520 every seaport within the state to determine if all security
521 measures adopted by the seaport are in compliance with seaport
522 security standards; requiring a report; authorizing seaports to
523 appeal findings in a Department of Law Enforcement inspection
524 report; requiring the Domestic Security Oversight Council to
525 establish a review process; requiring the Department of Law
526 Enforcement to establish a waiver process to grant certain
527 individuals unescorted access to seaports or restricted access
528 areas under certain circumstances; providing waiver process
529 requirements; requiring the administrative staff of the Parole
530 Commission to review the waiver application and transmit the
531 findings to the department; requiring the department to make a
532 final disposition of the application and notify the applicant
533 and the seaport; exempting the waiver process from
534 administrative procedures requirements; providing procedures and
535 requirements with respect to waiver of any physical facility
536 requirement or other requirement contained in the statewide
537 minimum standards for seaport security; providing a penalty for
538 possession of a concealed weapon while on seaport property in a
539 designated restricted area; requiring periodic review of the
540 statewide minimum standards for seaport security to be conducted
541 under the Office of Drug Control within the Executive Office of
542 the Governor; requiring the Office of Drug Control to convene a
543 Seaport Security Standards Advisory Council to review the
544 statewide minimum standards for seaport security with respect to
545 current narcotics and terrorism threats to Florida's seaports;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

546 providing membership, terms, organization, and meetings of the
547 council; creating s. 311.121, F.S.; providing legislative intent
548 with respect to the employment by seaports of certified law
549 enforcement officers and certified private security officers;
550 providing authority of seaports and requirements of the
551 Department of Law Enforcement with respect to such intent;
552 requiring the authority or governing board of each seaport that
553 is subject to statewide minimum seaport security standards to
554 impose specified requirements for certification as a seaport
555 security officer; creating the Seaport Security Officer
556 Qualification, Training, and Standards Coordinating Council
557 under the Department of Law Enforcement; providing membership
558 and organization of the council; providing terms of members;
559 providing duties and authority of the council; requiring the
560 Department of Education to develop curriculum recommendations
561 and specifications of the council into initial and continuing
562 education and training programs for seaport security officer
563 certification; providing requirements and procedures with
564 respect to such training programs; providing requirements and
565 procedures with respect to certification as a seaport security
566 officer; providing requirements for renewal of inactive or
567 revoked certification; creating s. 311.122, F.S.; authorizing
568 each seaport in the state to create a seaport law enforcement
569 agency for its facility; providing requirements of an agency;
570 requiring certification of an agency; providing requirements
571 with respect to the composition of agency personnel; providing
572 powers of seaport law enforcement agency officers and seaport
573 security officers; creating s. 311.123, F.S.; providing for the
574 creation of a maritime domain security awareness training
575 program; providing purpose of the program; providing program
576 training curriculum requirements; creating s. 311.124, F.S.;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

577 providing authority of seaport security officers to detain
578 persons suspected of trespassing in a designated restricted area
579 of a seaport; providing immunity from specified criminal or
580 civil liability; creating s. 817.021, F.S.; providing a criminal
581 penalty for willfully and knowingly providing false information
582 in obtaining or attempting to obtain a seaport security
583 identification card; providing an effective date.

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7209 : Review under the Open Government Sunset Review Act regarding the Total Maximum Daily Load Program for State Waters

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff			X		
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM

COUNCIL MEETING REPORT

State Administration Council

4/11/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

State Administration Council

Tuesday April 11, 2006 01:00 pm

HB 453	Favorable	Yeas: 7	Nays: 0
HB 581	Favorable	Yeas: 5	Nays: 2
HB 605 CS	Favorable	Yeas: 7	Nays: 0
HB 639	Favorable	Yeas: 6	Nays: 0
HB 737 CS	Favorable	Yeas: 8	Nays: 0
HB 773 CS	Favorable	Yeas: 8	Nays: 0
HB 1007 CS	Favorable	Yeas: 8	Nays: 0
HCB 6001 CS	Favorable	Yeas: 8	Nays: 0
HB 7145 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 7209	Favorable	Yeas: 8	Nays: 0

Committee meeting was reported out: Tuesday, April 11, 2006 2:54:20PM